

## **REMARKS**

Reconsideration of the present application, as amended, is respectfully requested. Claim 40 has been amended. The second instance of claim 47 has been canceled without prejudice. Claim 54 (identical to the cancelled claim 47) has been added. Therefore, claims 1-54 are presented for examination.

Examiner rejected claims 40-42 under 35 U.S.C. §101 because claim 1 is directed toward a method and claim 40 depending on claim 1, is directed toward a system.

Examiner rejected claims 1, 2, 4-9, 13-16, 18, 19, 22, 25, 28, 32, 34, 35, 37, and 47-50 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,321,231 to Jebens et al.

Examiner rejected claims 3 and 38 under 35 U.S.C. §103(a) as being unpatentable over Jebens in view of U.S. Patent No. 6,701,302 to Schaeffer et al.

Examiner rejected claims 11, 12, 45, and 47 under 35 U.S.C. §103(a) as being unpatentable over Jebens in view of U.S. Patent Publication No. 2002/0158874 to Cao.

Claims 17, 20, 21, 24, 26, 27, 29-31, 33, 36, 46, and 51-53 are objected to as being dependent upon a rejected base claim.

### **Response to §101 rejections of claims 40-42**

Claim 40 has been amended to make system claim 40 dependent on system claim 37. Claims 41 and 42 depend on claim 40. Thus, the system claims 40-42 depend on a system claim parent, claim 37. Therefore, the rejections under 35 USC §101 have been overcome. Applicants respectfully request withdrawal of this rejection.

**Response to §102 rejections of claims 1, 2, 4-9, 13-16, 18, 19, 22, 25, 28, 32, 34 and 35**

Jebens discloses a user such as a corporation, that already has a number of digitized images stored on the data management system ("system") (Jebens, 5: 1-5), allowing an advertising agency to access and download its digital images in order to be used in a publication (Jebens, 5: 11-15). In Jebens, the first step is to download high resolution copies to the central server (Jebens, 9:7-12, 9:11-18), and then to create low resolution copies of the images. Therefore, the downloading in Jebens is of high resolution images, which would not be useful in the present invention, since the bandwidth limitation is between the central server and the user's system. Thus, in Jebens, the low resolution copies of images are created by the central server. This is different from "transferring lower-resolution copies of the digital images **to the central server** ..., and subsequently transferring higher-resolution copies of the digital images **to the central server**," as recited in claim 1.

Thus, Jebens fails to disclose each and every element of claim 1, and therefore claim 1 and its dependent claims are patentable and should be allowed.

**Response to §102 rejections of claims 37 and 47-50**

Claim 37 recites a "low-volume transport mechanism ... to transfer said lower-resolution copies **to the central server** shortly after those copies become available; and [a] high-volume transport mechanism ... to transfer said higher-resolution copies **to the central server** at a point in time after the lower-resolution copies have already been transferred." As noted above, Jebens does not teach or suggest transferring a high resolution image and a low resolution image to the same location (i.e. the central

server). Rather, Jebens transfers low resolution images to an advertising agency, while high resolution images are transferred to the printer. Therefore, claim 37 and its dependent claims are patentable and should be allowed for at least the reasons articulated with respect to claim 1.

**Response to §103 rejections of claims 3 and 38**

Schaeffer discusses a method for managing a distribution of images, where an image is received from a user, digitized, and stored on a server. A message is then sent to the user indicating that the image is now available on the server. (Schaeffer, Abstract.) However, Schaeffer does not teach or suggest transferring low resolution images to a central server, and subsequently transferring high resolution images to the same server. As noted above, Jebens does not teach or suggest this limitation either.

Claim 3 requires a “transferring lower-resolution copies of the digital images **to the central server** ..., and subsequently transferring higher-resolution copies of the digital images **to the central server**,” by virtue of being dependent on claim 1. Neither Jebens nor Schaeffer disclose these elements, whether considered singularly or in combination. Therefore, claim 3 is patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 38 requires a “low-volume transport mechanism ... to transfer said lower-resolution copies **to the central server** shortly after those copies become available; and [a] high-volume transport mechanism ... to transfer said higher-resolution copies **to the central server** at a point in time after the lower-resolution copies have already been transferred” by virtue of being dependent on claim 37. Neither Jebens nor Schaeffer disclose these elements, whether considered singularly or in combination. Therefore,

claim 38 is patentable and should be allowed for at least the reasons articulated with respect to claim 37.

**Response to §103 rejections of claims 11, 12, 45, and 47**

Cao discusses a data structure, termed a pyramid, representing levels of data. The pyramid data structure in Cao includes a series of levels, termed floors, which, in turn, are comprised of numerous cells. (Cao, Abstract.) However, Cao does not teach or suggest transferring low resolution images to a central server, and subsequently transferring high resolution images to the same server. As noted above, Jebens does not teach or suggest this limitation either.

Claims 11 and 12 require a “transferring lower-resolution copies of the digital images **to the central server** ... , and subsequently transferring higher-resolution copies of the digital images **to the central server**,” by virtue of being dependent on claim 1. Neither Jebens nor Cao disclose these elements, whether considered singularly or in combination. Therefore, claims 11 and 12 are patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claims 45 and 47 require a “low-volume transport mechanism ... to transfer said lower-resolution copies **to the central server** shortly after those copies become available; and [a] high-volume transport mechanism ... to transfer said higher-resolution copies **to the central server** at a point in time after the lower-resolution copies have already been transferred” by virtue of being dependent on claim 37. Neither Jebens nor Cao disclose these elements, whether considered singularly or in combination. Therefore, claim s 45 and 47 are patentable and should be allowed for at least the reasons articulated with respect to claim 37.

**Conclusion**

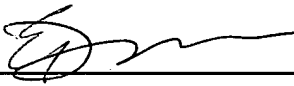
Applicants respectfully submit that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Elena Dreszer at (408) 947-8200.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
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